

REMARKS

I. Introduction

With the addition of claims 21-24, claims 11-24 are currently pending. In view of the forgoing amendments and following remarks, it is respectfully submitted that claims 11-24 are allowable, and reconsideration is respectfully requested.

II. Rejection of Claims 11, 12, 15-17 and 20 under 35 U.S.C. § 103(a)

Claims 11, 12, 15-17 and 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent App. No. 2001/0021196 ("Weigl") in view of U.S. Patent No. 6,404,326 ("Timmerman"). Applicants respectfully submit that the rejection should be withdrawn for at least the following reasons.

In rejecting a claim under 35 U.S.C. § 103(a), the Examiner bears the initial burden of presenting a *prima facie* case of obviousness. In re Rijckaert, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). To establish a *prima facie* case of obviousness, the Examiner must show, *inter alia*, that there is some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify or combine the references, and that, when so modified or combined, the prior art teaches or suggests all of the claim limitations. M.P.E.P. §2143. In addition, as clearly indicated by the Supreme Court, it is "important to identify a reason that would have prompted a person of ordinary skill in the relevant field to [modify] the [prior art] elements" in the manner claimed. See KSR Int'l Co. v. Teleflex, Inc., 82 U.S.P.Q.2d 1385 (2007). In this regard, the Supreme Court further noted that "rejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." Id., at 1396. To the extent that the Examiner may be relying on the doctrine of inherent disclosure in support of the obviousness rejection, the Examiner must provide a "basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristics necessarily flow from the teachings of the applied art." (See M.P.E.P. § 2112; emphasis in original; see also Ex parte Levy, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. App. & Inter. 1990)).

Claim 11 recites, in relevant parts, “transmitting the information in successive cycles over the data bus structure, each cycle including at least one time window for transmitting information at specific points in time and at least one event window for transmitting information in response to specific events; and transmitting at least one portion of the information transmitted in the at least one time window over the power line structure for purposes of redundant information transmission.” Independent claims 12, 16 and 17 recite subject matter substantially similar to the above-recited features of claim 11.

The Examiner contends that col. 2, lines 6-10 of Timmerman discloses the feature of an event window. However, the cited section at most describes generating a signal from a slave node in response to certain events, e.g., seat adjustment. Timmerman is silent as to how an event-based signal would be transmitted, and no mention or suggestion is made of an event window that is included in a series of successive transmission cycles. Thus, Timmerman does not disclose or suggest anything even remotely related to an event window according to claim 11.

The Examiner also contends that col. 2, lines 17-19 of Timmerman discloses transmitting at least one portion of the information transmitted in the at least one time window over the power line structure for purposes of redundant information transmission. However, there is simply no reasonable interpretation of Timmerman which would support the Examiner’s contention. The claimed limitation requires redundant, i.e., duplicate, transmission of “the information transmitted in the at least one time window,” namely one transmission over the data bus and another transmission over the power line structure. In contrast, Timmerman describes a system in which a secondary power bus is used to transmit information only when a primary communications bus is incapable of transmitting the information. This is made explicit in col. 5, lines 6-20, which describes the secondary power bus as overriding the primary bus whenever the primary bus is shorted. Information is transmitted via the primary bus or the secondary power bus, but not both. Therefore, the presence of the secondary power bus only provides an alternative transmission path, but there is clearly no redundant (i.e., duplicate) information transmission. In addition, the claimed redundant transmission specifies the information transmitted in the at least one time window, but there is absolutely nothing in the disclosure of Timmerman (or Weigl) that suggests duplicate transmission of a portion of the

information transmitted in the at least one time window such that this information is also transmitted **over the power line structure**.

For at least the foregoing reasons, Applicants submit that claims 11, 12, 16 and 17, as well as dependent claims 15 and 20, are allowable over the combination of Weigl and Timmerman.

III. Rejection of Claims 13, 14, 18 and 19 under 35 U.S.C. § 103(a)

Claims 13, 14, 18 and 19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Weigl and Timmerman in view of Applicant Admitted Prior Art (“AAPA”). Applicants respectfully submit that the rejection should be withdrawn for at least the following reasons.

Claims 13 and 14 depend on claim 11. Claims 18 and 19 depend on claim 16. As discussed above, the combination of Weigl and Timmerman fails to render obvious claims 11 and 16. In addition, the AAPA clearly fails to remedy the deficiencies of Weigl and Timmerman as applied against parent claims 11 and 16. Accordingly, the overall teachings of Weigl, Timmerman and the AAPA cannot render dependent claims 13, 14, 18 and 19 obvious.

In view of the foregoing reasons, it is respectfully requested that the obviousness rejection of claims 13, 14, 18 and 19 be withdrawn.

IV. New Claims 21-24

New claims 21-24 do not add any new matter and are supported by the present application, including the specification. Claims 21, 22, 23 and 24 respectively depend on claims 11, 12, 16 and 17. Accordingly claims 21-24 are allowable for the same reasons as their base claims. Additionally, claims 21-24 include further features, which are simply not disclosed nor suggested by the applied references, and are therefore allowable for these further reasons.

CONCLUSION

In view of all of the above, it is respectfully submitted that all of the presently pending claims are allowable. A prompt, favorable action on the merits is respectfully requested.

Respectfully submitted,

 (R. No. 36,197)

Dated: September 28, 2009

By: JOHN LEE for Gerard Messina
Gerard A. Messina
(Reg. No. 35,952)

KENYON & KENYON LLP
One Broadway
New York, New York 10004
(212) 425-7200